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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

MARK H. and RIE H.,
Individually and as Guardians
Ad Litem of MICHELLE H. and
NATALIE H., minors,

Plaintiffs,

vs.

PAUL LEMAHIEU, in his official

CIVIL NO. CV00-00282 MLR/LEK
(Other Civil Matter)

NOTICE OF TAKING DEPOSITION
UPON WRITTEN QUESTIONS;
QUESTIONS; ATTACHMENT "A"

(Custodian of Records for John
Candon)

capacity as Superintendent of the Hawai'i Public Schools; ELSIE TANAKA, in her official capacity as Principal of Kipapa Elementary School; JUDITH SARAN-CHOCK, in her official capacity as Principal of Ala Wai Elementary School; PETER CHUN, in his official capacity as Principal of Hokulani Elementary School; HAROLDEEN WAKIDA, in her official capacity as Principal of Ali'iolani Elementary School; and DEPARTMENT OF EDUCATION, STATE OF HAWAI'I;

Defendants.

(NO TRIAL DATE SET)

NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS

TO: STANLEY E. LEVIN, ESQ.
MICHAEL K. LIVINGSTON, ESQ.
851 Fort Street; Suite 400
Honolulu, HI 96813

and

KEITH H.S. PECK, ESQ.
3360 Kamaaina Place
Honolulu, Hawaii 96817

Attorneys for Plaintiffs

PLEASE TAKE NOTICE that on **Friday, May 30, 2008**, at the custodian's office indicated below, Defendants above named, will take the deposition of the following:

Name and Address

Time of
Deposition

Custodian of Records
John Candon
Candon Consulting Group, LLC
American Savings Tower, Suite 95
1001 Bishop Street
Honolulu, Hawaii 96813
Tel: 533-1270

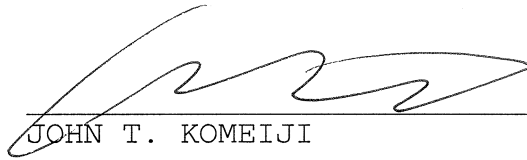
10:00 a.m.

or its qualified employee in charge of the respective records will be taken upon certain questions, a copy of which is hereby served upon you and such cross, redirect and recross questions as may be duly served herein, before any notary public authorized to administer oaths from the offices of CARNAZZO COURT REPORTING COMPANY, LTD., 888 Mililani Street, Suite 705, Honolulu, Hawaii, 96813, Telephone number (808) 532-0222.

Said Custodian of Records is required to bring with him/her and to release originals or complete and legible copies of **any and all records and information pertaining to the above-captioned case and as specifically requested in Attachment "A", attached hereto.**

Said deposition is to be taken pursuant to Rule 31 of the Federal Rules of Civil Procedure.

DATED: Honolulu, Hawaii, May 23, 2008 .

A handwritten signature in black ink, appearing to read 'John T. Komeiji', is written over a horizontal line.

JOHN T. KOMEIJI
GREGG M. USHIRODA
GARY S. SUGANUMA
LEIGHTON M. HARA
ROSS T. SHINYAMA

MARK J. BENNETT
GEORGE S.S. HOM
HOLLY T. SHIKADA

Attorneys for Defendants

QUESTIONS

1. Please state your name.
2. What is your residence address?
3. Are you employed?
4. What is your employer's name?
5. What is your employer's address?
6. What is your job or position with your employer?
7. In that position do you have under your care, custody and control any and all records kept by your employer pertaining to your employer's business?
8. Among your employer's records under your care, custody and control are there **any and all records and information pertaining to the above-captioned case and as specifically requested in Attachment "A", attached hereto?**
9. If your answer to Question 8 is NO, state the reason why there are no records or why the records are not being turned over?
10. Were you served with a subpoena requiring your appearance before the notary public for the purpose of answering these questions and requiring you to bring with you any and all of your employer's records pertaining to the above-mentioned person?
11. Do you have all of those records with your?

12. Are those records complete?
13. Has any portion of those records ever been removed from your care, custody and control prior to this time?
14. If so, when and by whom?
15. Has any portion of those records ever been altered prior to this time?
16. If so, when and by whom?
17. What identifies those records as pertaining to the above-mentioned person?
18. Would you please turn over to the notary public at this time the originals or complete and legible copies of any and all of your employer's records pertaining to the above-mentioned person, which you have brought with you pursuant to the requirements of the subpoena with which you were served.
19. Please describe briefly but completely so that they may be readily identified the records which you have turned over to the notary public.
20. Please describe briefly but completely so that they may be readily identified any of your employer's records pertaining to the above-mentioned person, which you have not turned over to the notary public, including both those records which you have brought

with you and those records which you have not brought with you.

21. Are you willing to waive the signing of this deposition?

ATTACHMENT "A"
TO SUBPOENA IN A CIVIL CASE

Documents to be Produced:

1. Any and all documents relating to the above-captioned case including but not limited to all emails, correspondence, memoranda, records, photographs and/or videotapes.
2. Any and all materials which you relied on in formulating your opinions, including but not limited to all publications, treatises, memoranda, videotapes, statistics, and charts.
3. Any and all calculations you conducted.
4. Any and all documents and materials which you reviewed in reaching your opinions.
5. Any written opinions or reports rendered in the above-captioned case.
6. Any and all documents reflecting or showing the amount of time spent on this case including but not limited to time logs and/or time sheets reflecting the time worked as well as invoices and bills for services rendered in the above-captioned case.